

MEMORANDUM

Agenda Item No. 11(A)(15)

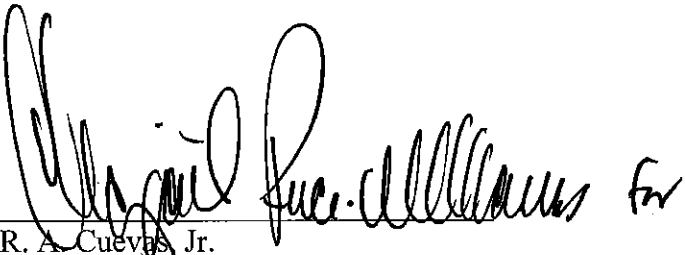
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the
County Mayor to recommend
and introduce legislation within
90 days to increase the penalties
for noncompliance with the
County's Small Business
Enterprise programs

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Audrey M. Edmonson and Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/smm




MEMORANDUM

(Revised)

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(15)
10-6-15

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO RECOMMEND AND
INTRODUCE LEGISLATION WITHIN 90 DAYS TO
INCREASE THE PENALTIES FOR NONCOMPLIANCE WITH
THE COUNTY'S SMALL BUSINESS ENTERPRISE
PROGRAMS

WHEREAS, Miami-Dade County (the "County") is a multi-ethnic community; and

WHEREAS, the County is committed to ensuring that all members of the community have an equal opportunity in being awarded County contracts; and

WHEREAS, in furtherance of that goal, the Board of County Commissioners (the "Board") adopted Resolution Nos. R-751-12 and R-456-13 authorizing the execution of an agreement with Mason Tillman Associates, Ltd. to perform a disparity study to determine if racial, ethnic, or gender disparities exist in County contracting; and

WHEREAS, the study found a disparity, based on the data Mason Tillman Associates, Ltd. reviewed, in the (1) award of construction, architecture and engineering, professional services, and goods and services prime contracts to African-Americans and Hispanic-Americans, (2) award of construction, and good and services prime contracts to Asian-Americans, and (3) award of construction, architecture and engineering, and professional services prime contracts to Women Business Enterprises; and

WHEREAS, the study also provided race- and gender-neutral recommendations to enhance the County's procurement practices, improve data collection, and increase the participation of small businesses and minority or women business enterprises in County contracting; and

WHEREAS, the study has recommended that the adoption of additional and enhanced race- and gender-neutral policies will aid in addressing the disparity found by the study; and

WHEREAS, as part of its post-award recommendations, the study identified that the “County should assess monetary penalties on prime contractors for noncompliance”; and

WHEREAS, to maximize the effect and impact of the County’s small business enterprise programs, it is imperative that the County mandate compliance with its small business program goals,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or County Mayor’s designee is directed to recommend and introduce legislation to increase the penalties for noncompliance with the County’s small business enterprise programs, within 90 days of the date of this resolution.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Audrey M. Edmonson and Commissioner Barbara J. Jordan. It was offered by

Commissioner _____, who moved its adoption. The motion was seconded by

Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose “Pepe” Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

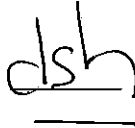
The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read 'dsh', written over a horizontal line.

David Stephen Hope